IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 217 OF 2006

Mahavir Hirachand Kasture ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. V.V. Purwant for the applicant.

Ms S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 7th February 2006

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicant and the learned APP for the State.

2. The applicant is arrested in connection with the offence which is punishable under section 302 read with section 34 of the Indian Penal Code. The said offence has been registered vide C.R. No.137 of 2005 with Mohol Police Station. It is alleged that the applicant, alongwith others, had gone to the residence of the deceased and the applicant had instigated the other accused to kill the deceased and pursuant to the said instigation, the other accused killed the deceased. The eye witness has stated that, at that time, the present applicant was having jambia in his

hand. The post-mortem report indicates that the deceased died as a result of gun shot injury. There are no other wounds on the body of the deceased except the gun shot wound. Admittedly, the applicant was not carrying pistol. The charge-sheet has been filed. The applicant is a permanent resident of Kalyan where the incident had taken place at Mohol.

3. In these circumstances, in my view, since the charge-sheet has been filed and the role attributed to the applicant is that of instigation, the applicant may be released on bail as the trial is not likely to commence for quite some time. The applicant be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. The applicant not to enter the jurisdiction of Mohol Police Station till the disposal of the trial. The applicant is a permanent resident of Kalyan. He shall report to the nearest Police Station at Kalyan twice in a month. It is clarified that if the applicant has to attend the Solapur Court, he is permitted to attend the dates and for that limited purpose pass via Mohol City for attending the Court in Solapur.

V.M. KANADE, J.